

Mary Tudela
Chair

Michael Curtis
Vice-Chair

Maureen Tabura
Secretary

Members:
Susan Burriss
Ryan de la Pena
Calvin Murashige
Mia Shiraishi

RECEIVED

**COUNTY OF KAUAI BOARD OF ETHICS
NOTICE OF MEETING AND AGENDA**

Friday, July 21, 2017
1:00 p.m. or shortly thereafter
Mo'ikeha Building, Liquor Conference Room 3
4444 Rice Street, Lihu'e, HI 96766

'17 JUL 12 AM 11:00

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

CALL TO ORDER

APPROVAL OF MINUTES

Open Session Minutes of June 16, 2017

COMMUNICATION

- BOE 2017-12 Possible Conflict of Interest dated June 21, 2017 from JoAnn A. Yukimura relating to ES-907, a briefing on the Notice to Appeal of Sunshine Law Complaint (S Appeal 17-11)
- BOE 2017-13 Possible Conflict of Interest dated June 9, 2017 from Arryl Kaneshiro relating to C 2017-143, a Water System Use Agreement between Grove Farm Company, Inc., and the County of Kauai for the Adolescent Treatment and Healing Center.

BUSINESS

- BOE 2017-14 Meeting Date Change: August 18, 2017, Statehood Day/Holiday

REQUEST FOR AN ADVISORY OPINION

- RAO 17-009 Request dated July 5, 2017 from Arthur Brun, Councilmember, requesting a written advisory opinion regarding the Disclosure Statement.

EXECUTIVE SESSION

Pursuant to H.R.S. §92-4, 92-9 (a) (1-4) (b), and §92-5 (a) (2) and (4), the purpose of this executive session is to receive and approve Executive Session minutes; to consider the evaluation, dismissal or discipline of an employee or officer of the County in which charges have been alleged against an employee or officer where consideration of matters affecting privacy will be involved, provided that if the individual concerned requests an open meeting, an open meeting shall be held; and to consult with the Board's legal counsel on issues pertaining to the Board's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to this item, deliberate and take such action as appropriate.

ES-005

Executive Session Minutes of June 16, 2017

RETURN TO OPEN SESSION

Ratify Board of Ethics actions taken in Executive Session for items: **ES-005**

DISCLOSURES

1. Shaylyn K. Kimura - Open Space Commission
2. Arthur J. Brun - County Council
3. Derek S.K. Kawakami - County Council
4. Paula M. Morikami - Administrator, Boards and Commissions
5. Christopher A. White - Board of Review
6. Ricky R. Watanabe - Charter Review Commission
7. Jan W. Tenbruggencate - Charter Review Commission
8. Gerald K. Ida - Kauai Historic Preservation Review Commission

ANNOUNCEMENTS

Next Meeting: Friday, August 18, 2017 – 1:00 p.m., Mo'ikeha Building, Liquor Conference Room

ADJOURNMENT

NOTICE OF EXECUTIVE SESSION

Pursuant to Hawaii Revised Statutes §92-7 (a), the Board may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a).

cc: Nicolas Courson, Deputy County Attorney

PUBLIC COMMENTS and TESTIMONY

Persons wishing to offer comments are encouraged to submit written testimony at least 24-hours prior to the meeting indicating:

1. Your name and if applicable, your position/title and organization you are representing;
2. The agenda item that you are providing comments on; and
3. Whether you will be testifying in person or submitting written comments only.
4. If you are unable to submit your testimony at least 24 hours prior to the meeting, please provide 10 copies of your written testimony at the meeting clearly indicating the name of the testifier; and

While every effort will be made to copy, organize and collate all testimony received, materials received on the day of the meeting or improperly identified may be distributed to the members after the meeting is concluded.

The length of time allocated to persons wishing to present verbal testimony may be limited at the discretion of the chairperson or presiding member.

Send written testimony to:

Board of Ethics
Attn: Lani Agoot
Office of Boards & Commissions
4444 Rice Street, Suite 150
Līhu'e, HI 96766
Email: lagoot@kauai.gov
Fax: 241-5127 Phone: 241-4917

SPECIAL ASSISTANCE

If you need an alternate format or an auxiliary aid to participate, please contact the Boards & Commissions Support Clerk at 241-4919 at least five (5) working days prior to the meeting.

DRAFT To Be Approved

COUNTY OF KAUAI Minutes of Meeting OPEN SESSION

Board/Committee:		BOARD OF ETHICS		Meeting Date		June 16, 2017	
Location		Mo‘ikeha Building, Liquor Conference Room 3		Start of Meeting: 1:00 p.m.		End of Meeting: 1:20 p.m.	
Present		Vice Chair Michael Curtis; Secretary Maureen Tabura. Members: Calvin Murashige; Susan Burriss; Mia Shiraishi Staff: Deputy County Attorney Mahealani Krafft; Boards & Commissions Office Staff: Administrative Specialist Lani Agoot; Administrator Paula M. Morikami					
Excused		Mary Tudela, Ryan de la Pena					
Absent							
SUBJECT		DISCUSSION				ACTION	
Call To Order						Vice Chair Curtis called the meeting to order at 1:00 p.m. with 5 members present.	
Approval of Minutes		<u>Regular Open Session Minutes of May 19, 2017</u> Vice Chair Curtis requested that Chair Tudela's documents referenced on page 4 of the minutes be included in the minutes for the purposes of disclosure and to be in line with the Sunshine Law. On pages 7, 8 and 9, Vice Chair asked that his motion be corrected to read "Mr. Curtis moved to <i>refer</i> (replacing the word <i>defer</i>) this question to the County Attorney for disposition." Vice Chair Curtis asked to correct the spelling of the word "nativity" to "naïveté" on page 19.					
Request for Advisory Opinion		<u>RAO 17-008 Letter dated June 5, 2017 from Housing Director Kanani Fu requesting an advisory opinion on whether there is a conflict with her position and a Community Development Block Grant (CDBG) that has been tentatively awarded to 'Ae Kamali'i Preschool where her two children attend.</u> Ms. Burriss moved to approve the minutes as amended. Mr. Murashige seconded the motion. Motion carried with 5:0. Mr. Murashige recused himself from this item.					

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Fu was present to answer any questions presented by the Board. Ms. Burriess asked Ms. Fu if she was on the committee that selected which programs received monies, to which Ms. Fu responded that she was not and clarified the process for the Community Based Development Grant Program for the Board. The grant process requires a Citizens Advisory Committee to select program objectives every 5 years and sets up the criteria for the scoring and ranking of the applications. The ranked applications are then given to Ms. Fu to forward to the Mayor who is the authority of the CDBG program. Upon approval by the Mayor, they are then forwarded to Council for approval.</p>	<p>Ms. Tabura moved that the Board finds there is no conflict of interest. Ms. Shiraishi seconded the motion. Motion carried 4:0.</p>
<p>Executive Session</p>	<p><u>ES-003 Executive Session Minutes of May 19, 2017</u></p> <p><u>ES-004 Complaint received May 26, 2017 alleged unethical use of public funds, police assets, and personnel to provide unethical and unauthorized police motorcades and escorts.</u></p>	<p>Mr. Murashige returned to the meeting.</p> <p>Deputy County Krafft read: Pursuant to H.R.S §92-4, 92-9 (a) (1-4), and §92-5 (a) (2) and (4), the purpose of this executives session is to receive and approve Executive Session Minutes; to consider the evaluation, dismissal or discipline of an employee or officer of the County in which charges have been alleged against an employee or officer where consideration of matters affecting privacy will be involved, provided that if the individual concerned requests an open meeting, an open meeting shall be held; and to consult with the Board's legal counsel on issues pertaining to the Board's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to this item, deliberate and take such</p>

SUBJECT	DISCUSSION	ACTION
		action as appropriate.
Return to Open Session	<u>Ratify Board of Ethics actions taken in Executive Session for items: ES-003 and ES-004</u>	Vice Chair Curtis moved to go into Executive Session at 1:07 p.m. Ms. Shiraishi seconded the motion. Motion carried 5:0. The meeting resumed in Open Session at 1:16 p.m.
Disclosures	1. <u>James Edward Guerber (Kauai Historical Preservation)</u> 2. <u>Kanani Brandy Fu (Housing Director)</u>	Mr. Murashige moved to ratify actions taken in Executive Session. Ms. Burriss seconded the motion. Motion carried 5:0.
Announcements	Next Meeting: Friday, July 21, 2017 – 1:00 p.m., Mo'ikeha Building, Liquor Conference Room	Ms. Tabura moved to receive disclosures 1 and 2 and deem them complete. Mr. Murashige seconded the motion. Motion carried 5:0.
Adjournment		Mr. Murashige moved to adjourn the meeting at 1:20 p.m. Ms. Burriss seconded the motion. Motion carried 5:0.

Submitted by: _____
Lani Agoot, Administrative Specialist

Reviewed and Approved by: _____

Michael Curtis, Vice Chair

() Approved as circulated.
() Approved with amendments. See minutes of _____ meeting.

COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Arthur Brun
Mason K. Chock
Arryl Kaneshiro
Derek S.K. Kawakami
JoAnn A. Yukimura



Council Services Division
4396 Rice Street, Suite 209
Līhu'e, Kaua'i, Hawai'i 96766

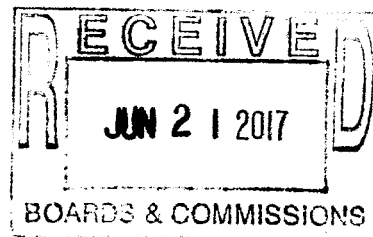
MEMORANDUM

June 21, 2017


OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov



TO: Mel Rapozo, Council Chair
and Members of the Kaua'i County Council

FROM: JoAnn A. Yukimura, Councilmember 

RE: **POSSIBLE CONFLICT OF INTEREST RELATING TO ES-907, A BRIEFING ON THE NOTICE TO APPEAL OF SUNSHINE LAW COMPLAINT (S APPEAL 17-11)**

This memorandum supersedes the memorandum sent to you and dated June 16, 2017. Pursuant to Section 20.04(B) of the Kaua'i County Charter, Section 3-1.9 of the Kaua'i County Code 1987, as amended, and Rule No. 8 of the Rules of the Council of the County of Kaua'i, I hereby provide written disclosure on the record of a possible conflict of interest relating to ES-907, a briefing on the Notice to Appeal of Sunshine Law Complaint (S Appeal 17-11), as I am involved in the appeal.

In light of the above, I will recuse myself from the aforementioned item at the June 21, 2017 Committee Meetings and any subsequent meeting thereafter related to this item.

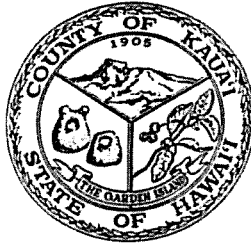
Should you have any questions, please feel free to contact me. Thank you for your attention to this matter.

SS:aa

cc: June 28, 2017 Council Meeting Agenda
County of Kaua'i Board of Ethics
Council Services Staff

COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Arthur Brun
Mason K. Chock
Arryl Kaneshiro
Derek S.K. Kawakami
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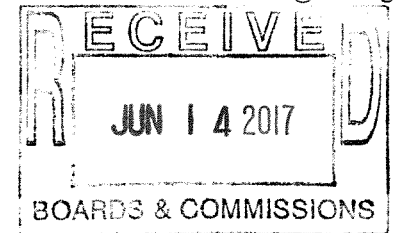
MEMORANDUM

June 9, 2017

OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov



TO: Mel Rapozo, Council Chair
and Members of the Kaua'i County Council

FROM: Arryl Kaneshiro, Councilmember **AK**

RE: POSSIBLE CONFLICT OF INTEREST RELATING TO C 2017-143

Pursuant to Section 20.04(B) of the Kaua'i County Charter, Section 3-1.9 of the Kaua'i County Code 1987, as amended, and Rule No. 8 of the Rules of the Council of the County of Kaua'i, I hereby provide written disclosure on the record of a possible conflict of interest relating to C 2017-143, relating to a Water System Use Agreement between Grove Farm Company, Inc., and the County of Kaua'i, for the Adolescent Treatment and Healing Center, as I am a Project Manager employed by Grove Farm Company, Inc.

In light of the above, I have recused myself from the aforementioned item at the June 14, 2017 Council Meeting and any subsequent meetings.

Should you have any questions, please feel free to contact me. Thank you for your attention to this matter.

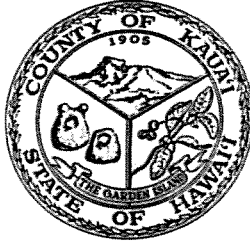
JA:lc

cc: June 28, 2017 Council Meeting Agenda
County of Kaua'i Board of Ethics ✓
Council Services Staff

COUNTY COUNCIL

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JUL - 7 2017



OFFICE OF THE COUNTY CLERK

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Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

July 5, 2017

Mary Tudela, Chair ✓
and Members of the Board of Ethics
c/o Office of Boards & Commissions
4444 Rice Street, Suite 150
Lihu'e, Hawai'i 96766

Dear Chair Tudela and Members of the Board of Ethics:

I am writing to ask for a written advisory opinion as to whether I would need to submit an amended Disclosure Statement after receiving life insurance proceeds (issued as two separate payments) as a beneficiary due to the death of an insured person. After review of The Charter Of The County Of Kaua'i, this scenario is not defined under the definition of "Annual Income" nor does it fall under the list for which a mid-year amendment must be filed with the Board of Ethics.

Thank you for your attention to this request. Should you have any questions, please feel free to contact me at 241-4096.

Sincerely,

ARTHUR BRUN
Councilmember, Kaua'i County Council

SS:lc
cc: Paula M. Morikami, Boards & Commissions Administrator

RAO 17-009